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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,930	04/08/2004	Anthony Catalano	TAG-001-US-n	8748
21833	7590	03/27/2006	EXAMINER	
PRITZKAU PATENT GROUP, LLC			VO, TUYET THI	
993 GAPTER ROAD			ART UNIT	
BOULDER, CO 80303			PAPER NUMBER	
			2821	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/820,930

Applicant(s)

CATALANO, ANTHONY

Examiner

Tuyet Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 50-54, 57-61 and 63-65 is/are pending in the application.
- 4a) Of the above claim(s) 65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50-54, 57-61, 63 and 64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Remarks

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. However the prosecute of application is still open due to a new ground rejection as follow.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 51 and 54 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. Claim 51, line 2, recitation of "a planar surface oriented normal to and facing said forwardly extending central axis of illumination" is not described in the specification in order to support the meaning of "a planar surface oriented **normal**". How does the planar surface (of PCB) appear to be called normal? Line 4, recitation of "free ends define an axis normal to the planar front surface" raises the same above confusion, specially, the term "**normal**" does not provide the specific orientation of the axis defined by the free ends (of LED).

5. Claim 54, line 4, recitation of "free ends define an axis **normal** to the planar front surface" raises the same above confusion, specially, the term "normal" does not provide the specific orientation of the axis defined by the free ends (of LED). Line 5, recitation of "directs

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some its light **normal** to said central axis” renders clarity of claim language. What light direction is defined a normal or abnormal in relative to a central axis reference?

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. For best understood, claims 50, 51, 53, 54, 57-61 and 63 are rejected under 35 U.S.C. 102(e) as being anticipated by Chun (US Pat. 6,924,605).

Regarding claims 50, 53, 57-61 and 63, Chun discloses a LED flashlight device (Figs. 4-7) for illuminating an object by directing a beam of light (65) from the device onto the object, comprising:

a housing (12) having a reflecting lens (60) arrangement supported therewith, the lens arrangement including light reflector surface segments which circumscribes a given area and which defines a forward extending central axis of illumination (Figs. 1 and 4); and

an illumination assembly including a printed circuit board (45) having a front planar surface (A, marked by examiner) and a back planar surface (B, marked by examiner), a light emitting diode (65) on the front surface (A), a control circuitry (90, 100) connected to the light source (65) and printed on at least one of surface (col. 1, lines 54-63) of the printed circuit board (45) for connecting the light source LED (65) to a power source (55) the light source LED is disposed within the given area in a way it causes light out of a given area guide via means of reflection to a general direction of a forwardly extending central axis of illumination, wherein the illumination assembly includes another of LED light source (110).

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Regarding claims 51 and 54, Chun discloses the LED (65) having two free ends (94, 95) and opposite ends (94\*, 95\*), wherein the two free ends (94, 95) and the opposite ends (94\*, 95\*) define an axis that is parallel to the forward extending axis of the PCB (45).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 52 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chun as applied to claim 1 above, and further in view of Dubuc (US Pat. 6,981,784).

Chun discloses substantially the claim invention as noted above except for a control circuitry is printed on the back surface of the printed circuit board and the illumination assembly is extended to retrofit with an incandescent light source.

Duluc fulfills the missing features in Chun by disclosing LED light source device (Figs. 10 and 14), in that, Duluc clearly suggests all of electronic components including a control circuitry for driving LED are printed on the back/reverse side of a printed circuit board for enhancing heat radiation while a plurality of LEDs mounted in a front/forward side of the printed circuit board (col. 4, lines 16-19). Duluc also teaches not limit the operation of the LED light source system to a LED light source device, but extending the ability of adapting to any type of light source device such as an incandescent bulb (col. 4, lines 28-37).

It would have been obvious to one having ordinary skill in the art to utilize extensive teachings of Duluc into the Chun lighting system in order to obtain a better light source system with higher reliable operation.

***Citation of pertinent prior art***

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10. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Szypszak (US Pub. 2004/0070990) discloses LED illuminator and method of manufacture.

Camarota et al. (US Pub. 2002/0141196) discloses lamp assembly with selectively positionable bulb.

### *Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 571 272 1830. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.



Tuyet Vo

Primary Examiner

March 22, 2006